

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

OTMANE KHALLADI,

Defendant.

) Criminal No. 1:22-MJ-626 (DJS)

) Stipulation and Order
) for Enlargement of Time

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)

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STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, Otmene Khalladi, by and through counsel, Sandy B. Becher, hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and include the period of time extending sixty (60) days from the date of the [proposed] order, and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: October 19, 2022
 - b) Date of initial appearance: December 13, 2022
 - c) Defendant custody status: Not in custody; subject to pretrial supervision
 - d) Earlier enlargements of time and exclusions under the Speedy Trial Act: none
- 2) The defendant requests this exclusion based on the following facts and circumstances: the United States intends to make a discovery production within the next two (2) weeks. The

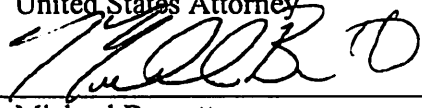
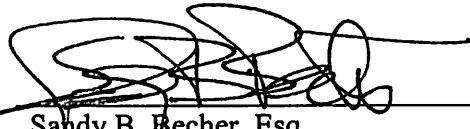
requested continuance allows for reasonable time necessary for the effective preparation by defense counsel to review the evidence with the United States and the defendant, so that the defendant may make an informed decision as to whether he wishes to resolve or dispute the charges set forth in the Complaint.

3) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial because the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

4) The parties stipulate and agree that a period of 60 days from the date of the signing of this Order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above, and apply for and consent to the proposed order set forth below.

Dated: December 19, 2022

CARLA B. FREEDMAN
United States Attorney
By: 
Michael Barnett
Assistant United States Attorney
Bar Roll No. 519140

Sandy B. Becher, Esq.
Attorney for Otmane Khalladi
Bar Roll No. 704096/Admitted *pro hac vice*

ORDER

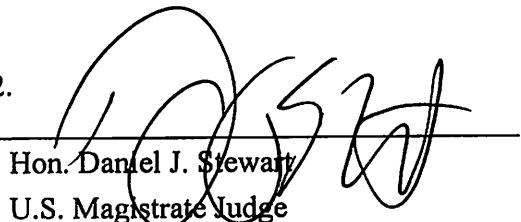
A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy indictment and trial because the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

C. BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged to and include sixty (60) days from the date of this Order, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED.

Dated and entered this 27 day of December, 2022.


Hon. Daniel J. Stewart
U.S. Magistrate Judge